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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 KATHERINE LOUISE WHITNEY,

8 Plaintiff,

9 v.

10 CITY OF TACOMA, *et al.*,

11 Defendants.

CASE NO. C19-5582 BHS-MLP

ORDER ADOPTING REPORT
AND RECOMMENDATION

12 This matter comes before the Court on the Report and Recommendation (“R&R”)
13 of the Honorable Michelle L. Peterson, United States Magistrate Judge. Dkt. 27. The
14 Court having considered the R&R and the remaining record, and no objections having
15 been filed, does hereby find and order as follows:

16 (1) The R&R is **ADOPTED**;

17 (2) Defendants Jeff Rodgers, Deputy Daryl Shuey, City of Tacoma, Charlene
18 Hamblen, Misty Fitzsimmons, and Taffi Wheeldon’s motions to dismiss,
19 Dkts. 4, 9, 18, are **GRANTED**, and Plaintiff is **GRANTED** leave to
20 amend.

21 (3) Defendant Secretary Cheryl Strange’s motion to dismiss Plaintiff’s personal
22 and official capacity claims, Dkt. 11, is **GRANTED**. Plaintiff is

GRANTED leave to amend the personal capacity claims and **DENIED** leave to amend the official capacity claims.

(4) Plaintiff has thirty (30) days from the date of this order to amend her complaint. If Plaintiff fails to timely amend the complaint her claims may be dismissed.

Dated this 10th day of October, 2019.


BENJAMIN H. S.

BENJAMIN H. SETTLE
United States District Judge